

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHAN CHILCOTT,)	
Petitioner,)	Civil Action No. 12-142 Erie
)	
v.)	Senior District Judge Maurice B. Cohill
)	Magistrate Judge Susan Paradise Baxter
CITY OF ERIE, <u>et al.</u>,)	
)	
Respondents.)	

MEMORANDUM ORDER

Petitioner, Shan Chilcott ("Chilcott"), an inmate incarcerated at the Erie County Prison, filed a Complaint [ECF Nos. 1 and 6] alleging that in July 2010, the City of Erie Police Officers ("Erie Police") conducted a warrantless search of his house and seized twelve rifles. Chilcott claims that the Erie Police violated his rights under the Second, Fourth, and Fourteenth Amendments of the United States Constitution. Chilcott also named Judge Domitrovich as a defendant in the case though the Complaint is devoid of any allegations against Judge Domitrovich.

In her R& R Judge Baxter recommends the following:

1. Defendant Judge Domitrovich's Motion to Dismiss [ECF No. 13], be granted;
2. Defendant Erie Police's Motion to Dismiss [ECF No. 16] be granted.

It is the opinion of this Court that the Complaint as written is deficient in alleging its claims. Plaintiff's failure to plead his case properly render his claims without merit and there are not enough facts to state a claim upon which relief can be granted. Fed. Rule of Civ. Pr. 12(b)(6). Dismissal of claims is granted. Therefore, the following Order is entered:

And now to-wit, this 25th day of March 2013, it is hereby **ORDERED**,
ADJUDGED, and **DECREED** that the Report and Recommendation of Magistrate Judge Baxter
dated February 20, 2013 [ECF No. 22] is adopted as the Opinion of the Court. The Clerk shall
mark this case **CLOSED**.

Maurice B. Cohill

Maurice B. Cohill
Senior United States District Court Judge
Western District of Pennsylvania